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Paper 33
Filed: 3 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

EDWARD L. TOBINICK,
and ARTHUR JEROME TOBINICK,
Junior Party
(Patent 6,015,557),

v.

JUNMING LE,
JAN VILCEK, PETER DADDONA,
JOHN GHAYEB, DAVID KNIGHT, and SCOTT SIEGEL,
Senior Party
(Applications 10/227,488 and 10/665,971)

Patent Interference No. 105,621 (SGL)
(Technology Center 1600)

*Before: SALLY GARDNER LANE, SALLY C. MEDLEY, AND MICHAEL P. TIERNEY,
Administrative Patent Judges.*

LANE, Administrative Patent Judge.

Judgment– Request for Adverse – Bd.R. 127(b)

1 Tobinick requests adverse judgment as to Count 2, the sole count of the
2 interference. (Paper 32 at 2). The request is GRANTED.

3 It is:

4 **ORDERED** that judgment on priority as to Count 2 (Paper 23 at 1), the
5 sole count of the interference, is entered against Junior Party Tobinick;

6 **FURTHER ORDERED** that claims 1-3, 13, 14, 17-21, and 23-25
7 of Tobinick patent 6,015,557, which claims correspond to Count 2 (Paper 30 at 2), be
8 CANCELLED, 35 USC § 135(a);

9 **FURTHER ORDERED** that the parties are directed to 35 USC § 135(c)
10 and Bd. R. 205 regarding the filing of settlement agreements; and

11 **FURTHER ORDERED** that a copy of this judgment shall be entered into
12 the administrative record of Tobinick patent 6,015,557 and Le applications 10/227,488
13 and 10/665,971.

1 cc (via electronic filing):
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3 Counsel for Tobinkick:
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